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WESTERN DISTRICT OF WASHINGTON DEPUTY

09-CV-00308-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD W. HARVEY,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

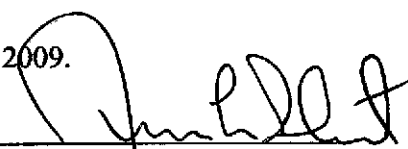
Case No. C09-308-JLR

**ORDER REVERSING AND
REMANDING CASE FOR
FURTHER PROCEEDINGS**

The Court, after careful consideration of the plaintiff's complaint, the parties' briefs, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The final decision of the Commissioner is REVERSED and the case is REMANDED to the Social Security Administration for further proceedings consistent with the Report and Recommendation.
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

DATED this 2nd day of October, 2009.


JAMES L. ROBART
United States District Judge